

**MINUTES OF MEETING  
WASHINGTON STATE BOARD OF OPTOMETRY**

March 22, 2002

A meeting of the Washington State Board of Optometry was called to order at 9:00 a.m. on March 22, 2002, by Ben Wong Jr., O.D., Chair. The meeting was held at the Hawthorn Suites, 6329 South 212<sup>th</sup> Street, Kent Washington, in the Executive One Room.

**BOARD MEMBERS**

**PRESENT:**

Lund Chin, O.D.  
Anup Deol, O.D.  
Bernice Hoptowit, Public Member  
R. Richard Ryan, Jr., O.D.  
Jeffrey Sutro, O.D.  
Ben Wong, Jr., O.D., Board Chair

**STAFF PRESENT:**

Mark Brevard, Assistant Attorney General  
Judy Haenke, Program Manager  
Melissa Quirke, Administrative Assistant  
Barbara Evans-Cordts, Staff Attorney

**OTHERS PRESENT:**

Hamilton Gardner  
Tim Alden, Optician Association of Washington  
Gina McCracken, Walmart Vision Centers  
Mira Swiecicki, Washington Association of Optometric Physicians  
Randy Ray, AEQUUS Corp, Lenscrafters/Cole Vision

**ORDER OF AGENDA**

**OPEN SESSION:**

**1. Board of Optometry Rules Hearing – WSR 02-04-090**

Dr. Ben Wong presided over the rules hearing which was held to consider proposed amendments to:

WAC 246-851-150 Credit for individual research, publications, and small group study.

WAC 246-851-160 Credit for reports. Updates optometric literature approved for reports.

WAC 246-851-250 Minimum equipment requirements. Updates required minimum equipment.

WAC 246-851-300 Renting space from and practicing on premises of commercial (mercantile) concern. Deletes unnecessary and outdated language.

WAC 246-851-310 Proper identification of licensees. Clarifies language and removes gender references.

WAC 246-851-330 Misleading titles or degrees. Clarifies language.

WAC 246-851-520 Contact lens prescription defined. Updates language relating to a contact lens prescription.

The proposal was filed with the Code Reviser on February 4, 2002, under WSR 02-04-090.

No one from the public testified in favor of or in opposition to the rules.

A letter was received from J. Terrence Coyle, M.D., President of the Washington academy of Eye Physicians & Surgeons. Dr. Coyle commented on three of the proposed rules, WAC 246-851-300, 310 and 520.

The Board considered each rule individually.

**WAC 246-851-150 – Credit for individual research, publications, and small group study.** The Board moved to adopt the amendments as proposed.

**WAC 246-851-160 – Credit for reports.** The Board moved to adopt the amendments as proposed.

**WAC 246-851-250 – Minimum equipment requirements.** The Board moved to adopt the amendments as proposed.

**WAC 246-851-300 – Renting space from and practicing on premises of commercial (mercantile) concern.** The Board discussed that the original intent of the amendments to this rule was not to revise standards but to be less directive as to how an optometrist represents themselves in a commercial or mercantile concern. The amendments remove unnecessary language in paragraphs 4-6 regarding the size of a notice or the specific language of the notice. The standard still remains that practitioners must be clearly represented to the public.

Following discussion and review of the written testimony, the Board moved to adopt the amendments as proposed with the exception of editorial changes to paragraph 4, second sentence, where the words “advertisement” and “announcement” are to be changed to the more correct plural form “advertisements” and “announcements”.

**WAC 246-851-310 – Proper identification of licensees** Following discussion and review of the written testimony, the Board moved to adopt the amendments as proposed.

**WAC 246-851-330 Misleading titles or degrees.** The Board moved to adopt the amendments as proposed.

**In WAC 246-851-520 – Contact lens prescription defined.** Following discussion and review of the written testimony, the Board moved to adopt the amendments as proposed.

The hearing was concluded at 9:35 a.m.

## **2. Call to Order**

### **2.1 Approval of Agenda**

The agenda was amended as follows:

Item 13 and Item 15 were moved to follow Item 3. Items 16, 17, and 18 were moved to follow Item 8.

### **2.2 Approval of Minutes of September, 2001, meeting**

The minutes were approved with the exception of Item 4.2 where the second sentence was deleted. The deleted sentence read: “Typically an order has been based on the kind of evidence upon which reasonably prudent persons are accustomed to rely in the conduct of their affairs.”

### **2.3 Election of Officers**

The following officers were elected for 2002:

Chair: R. Richard Ryan, O.D.

Vice Chair: Lund Chin, O.D.

Secretary: Jeffrey Sutro, O.D.

**3. Post Graduate Education Seminar- 2002**

The Board finalized arrangements for the two-day seminar to be conducted March 23-24, 2002 in Kane Hall at the University of Washington.

**4. Review of Administrative Rules**

**4.1 WAC 246-851-370 - Employed doctors of optometry, franchises and equipment use agreements. Discussion continued from the September 14, 2001, meeting.**

Following discussion the Board agreed that this rule should remain as written.

**4.2 WAC 246-851-390 - Practice under trade name. Discussion continued from the September 14, 2001, meeting.**

The Board reviewed information relating to the intent of the rule when it was initially adopted. Following discussion, the Board requested that an Interpretive Statement be prepared to document and clarify the intent of the rule for the reader.

**5. Case Disposition Guidelines – Surrender of practitioner’s license in lieu of other sanctions.**

Mark Brevard, AAG, addressed the Board concerning the use of surrender of a license as a sanction upon a finding of unprofessional conduct. In response to 2001 legislation allowing the surrender of a license as a sanction, the Health Professions Quality Assurance Case Disposition Guidelines Policy has been amended to include this provision.

Surrender of a license is only permitted when:

- A statement of charges or a statement of allegations is used
- The licensee must agree to cease practice and not to practice again
- The Board cannot impose any other sanction in the final order (fines, conditions, etc)
- The surrender is reported to the Health Care Integrity and Protection Data Bank

The Board moved to adopt the revised Case Disposition Guidelines that include guidelines for the surrender of a license.

**6. Health Professions Quality Assurance Policy Number B05.01  
Pro Tem Members**

This policy was presented for information only. The 2001 legislature amended RCW 18.130.060(2) to:

- Remove the limit of three pro tem members who can participate as members of a panel of the board
- Appoint pro tem members for a term of no more than one year
- Allow pro tem members to only serve four one-year terms
- Pro tem members must meet the same minimum qualifications as regular members of the board
- Pro tem members have all the powers, duties, immunities and paid travel expenses as regular board members

**7. Requests for an extension of continuing education reporting period.**

7.1 Glenn Sundstrom, O.D.

Dr. Sundstrom requested and was granted an extension to complete the required 50 continuing education hours.

7.2 Brett Hagen, O.D.

Dr. Hagen requested and received an extension of nine months to complete the required 50 continuing education hours.

7.3 Tracy Dodd, O.D.

Dr. Dodd requested and received an exception to meeting the 50 hours requirement within the standard reporting cycle.

**8. Review of Operating Agreement**

The Operating agreement is a written agreement with the Secretary of the Department of Health . It addresses administrative activities, goals and objectives and the agency's budget and personnel issues. The agreement contains provisions for periodic review and dispute resolution. The Board originally ratified the agreement at its January 21, 2000, meeting.

The Board agreed to continue its ratification of the agreement.

**9. Continuing Education Courses**

Review of courses submitted for approval.

The Board approved the following courses:

"Understanding & Interpreting Laboratory Tests", submitted by Doug Harshman, O.D., to be presented on February 7, 2001, in Spokane, Washington. Approved for 7 hours.

"EyeQuest Conference & Exhibition" to be presented on May 16-19, 2002, in Rosemont, Illinois. All COPE approved and post-graduate level course will be approved for credit.

"Anthrax, Smallpox, & Pathogenic Microbes", submitted by H. Teresa Porter, O.D., presented on February 15, 2002, in Veradale, WA. The Board has approved this course for 6 hours.

"Pharmaceutical Guidelines" submitted by Kaiser Permanente, held February 4, 2002. This course was approved for 1/2 hour.

"Biohazard!" an article published in the November 2001 issue of *Optometric Management* and submitted by R. Richard Ryan, Jr., O.D. was approved for 10 hours, the maximum allowed by WAC 246-851-150.

"Therapeutic Management of Anterior Segment Pathology" presented by Kaiser Permanente in Portland, Oregon, on April 20, 2002. This course was submitted by Pak Ho Leong O.D. and has been approved for 6 hours.

"Medical Eye Center Lecture Series" presented in Medford, Oregon on February 11, 2002, April 8, 2002, and July 8, 2002. This course has been approved for a total of 8 hours.

"Overview Systems" presented by Lacrimedics, held on September 13, 2000, in SeaTac, Washington, was approved for 4 hours.

"Cracking the Code: How to Maximize Your Reimbursement" submitted by David Leach, M.D. Held November 8, 2001, in Moscow, Idaho and approved for 3 hours.

"Evaluation and Treatment of Visual Perceptual Dysfunction in Adult Brain Injury Part I", submitted by Irene Yang, O.D. This course was held on March 2-3, 2002, in Jacksonville, Florida, and has been approved for 12 hours.

“Contemporary Soft Lens Fitting” submitted by Lisa Praeger of Alcon Laboratories. This course will be offered on April 27, 2002, at the Group Health Co-operative-ROC location in Tukwila, Washington, and has been approved for 2 hours.

Atypical Refractive and lens Surgeries: Case Reports”, presented by PCLI on February 5, 2002, in Vancouver, Washington. This course was approved for 1 hour.

“Oral medication Update for the Optometric Physician” presented by PCLI on January 28, 2002, in Portland, Oregon. Approved for 1 hour.

“Glaucoma Treatment Strategies”, presented by PCLI on January 24, 2002, January 30, 2002, and February 21, 2002, in Bellevue, WA, Silverdale, WA, and Kelso, WA respectively. Approved for 2 hours per session.

“Retinal Imaging”, presented by PCLI on January 9, 2002, in Tacoma, WA. Approved for 2 hours.

“Case Presentations in Ocular Inflammation”, presented by PCLI on February 13, 2002, in Tacoma, WA. Approved for 2 hours.

Ten article reviews submitted by Randall Jech, O.D.

1. “Extended Wear: Past Present, and Future”, *Contact Lens Spectrum*-January, 2002; Holden, Brien
2. “Fitting Challenging Corneas”, *Contact Lens Spectrum*-September 2001; Cutler, Shelly.
3. “Managing Sunken Corneal Grafts”, *Contact Lens Spectrum*-January 2001; Collins, Randall.
4. “Getting Started With Accelerated Ortho-K”, *Optometric Management*-May 2001; Bauman, Robert.
5. “Revisiting RGP Extended Wear”, *Contact Lens Spectrum*-November 2000; Pall, Brian.
6. “A Clinical study of an RGP Multifocal Contact Lens”, *Contact Lens Spectrum*-December 2001; Gromacki, Badowski, Wicker, Ventocilla.
7. “Better Vision Without Glasses”, *Contact Lens Spectrum*-June 2000; Bergenske, Peter.
8. “Custom Designed Ultra Thin RGP Lenses”, *Contact Lens Spectrum*-May 2001; Achiron, Leonard.
9. “Clinical Performance of a Monthly Lens & Patient Comfort”, *Contact Lens Spectrum*-December 2000; Hall and Jones.

10. "Orthokeratology Overview", *Contact Lens Spectrum*-October 2000; Tabb, Roger.

"The Wave Contact Lens System" submitted by Marc Seaburg, O.D. Course was presented on July 29, 2000, in Seattle, WA. Approved for 3 hours.

The Board denied the following course:

"Communication and Medical Malpractice, Building Understanding and Trust: Preventing Medical Malpractice Lawsuits." Kaiser Permanente will present this course on May 7, 2002, they had requested 2.5 hours.

**10. Association of Regulatory Boards of Optometry – Annual Meeting**

The meeting will be held in New Orleans, Louisiana on June 23-25, 2002. Due to budget constraints, it has not been determined at this time whether a representative of the Board will be attending this meeting.

**11. Future Meeting Dates**

The following meeting dates were set for 2002:

June 7, 2002 – Seattle

September 20, 2002 – Kent

December 6, 2002 - Kent

**12. Budget Report**

The Board reviewed revenue and expenditures for the month ending January 2002.

**13. Presentation of Agreed Order No. 01-02-A-1022OD**

Barbara Evans-Cordts, Staff Attorney, presented proposed Agreed Order No. 01-02-A-1002 to the Board. Following the presentation, the Board moved to accept the Agreed Order.

**14. Other Open Session Business**

**CLOSED SESSION**

**15. Presentation of Stipulation to Informal Disposition 01-01-A-1011OD.**

Barbara Evans-Cordts, Staff Attorney presented the proposed Stipulation to Informal Disposition to the Board in Closed Session.

**16. Review of Licensing Applications**

The Board approved one application for licensure.

**17. Disciplinary Case Review**

The following cases were presented:

Case Number	Disposition
2001-08-0003OD	Closed, No Violation
2002-01-0002OD	Closed, Does not appear to be a violation
2002-02-0001OD	Closed, Does not appear to be a violation
2002-03-0001OD	Referred for investigation

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 3:00 p.m.

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Respectfully submitted, Judy Haenke, Program Manager

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Approved, R. Richard Ryan, O.D., Chair